

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JUAN CARLOS ALMONTE,

Plaintiff,

-against-

BRIAN KARTH, *et al.*,

Defendants.

21-CV-6062 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff filed this action *pro se*. By order dated October 1, 2021, the Court dismissed the complaint under 28 U.S.C. § 1915(e)(2)(B)(i)-(iii). On November 2, 2021, the Court received Plaintiff's motion for an extension of time to file a notice of appeal, and the notice of appeal. For the following reasons, Plaintiff's request for an extension of time to file a notice of appeal is granted.

**DISCUSSION**

Under Fed. R. App. P. 4(a)(1)(A), a notice of appeal in a civil case must be filed within thirty days after entry of judgment. The district court may extend the time to file a notice of appeal, however, if a plaintiff files a motion within thirty days of the expiration of the time to file notice of appeal, and if the moving party shows excusable neglect or good cause for untimely filing. *See* Fed. R. App. P. 4(a)(5)(A).

Plaintiff submitted his request for an extension of time to file notice of appeal within thirty days after the time to file his notice of appeal expired. Accordingly, the Court grants the motion for an extension of time to file his notice of appeal.

## CONCLUSION

The Court grants Plaintiff's motion for an extension of time to file a notice of appeal. (ECF No. 11.) The Clerk of Court is directed to process the appeal.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket.

SO ORDERED.

Dated: February 2, 2022  
New York, New York

/s/ Laura Taylor Swain

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LAURA TAYLOR SWAIN  
Chief United States District Judge